Administrative Record
sFile Number
2060000

0212515

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET – SUITE 500

DENVER, COLORADO   80202-2405

Ref: 8RC

Cynthia S. Leap
Peter W. Downing
Holland & Hart
Suite 2900
555 Seventeenth Street
P.O. Box 8749
Denver, Colorado 80201

Site __East Helena__
File # __2.06__
Confidential: Yes _____ No _✓_
Admin. Record: Yes _✓_ No _____
Key Words/Comments: __Response__
(partial) to ASARCO's
request for extension
to neg. Consent Decree.

Copies to:
John W.
Dave S.

RE: East Helena Site – June 13 Meeting

Dear Cindy and Peter:

This letter is in response to your May 2_, 1990 letter
concerning our continuing RD/RA negotiations on the East Helena
Site, and your request for a 60-day extension of time in which to
_ negotiations.

EPA and DOJ remain committed to working with Asarco on the
consent decree for the Process Ponds Operable Unit, and are
confident that together we can resolve the outstanding issues
prior to our June 30, 1990 deadline. We would like to continue
to pursue our current schedule for negotiations, and finalize the
decree during the next month. We appreciate your concerns about
the limited time available in which to reach settlement, but
believe that it is premature to consider an extension at this
point in time.

In an effort to expedite the settlement process, EPA plans
to propose an alternative mechanism for resolving the issue of
reimbursing past costs. The revised decree that EPA will forward
to you on June 7, 1990 will reflect this proposal. The decree
will set up a future payment schedule which will afford Asarco
time in which to review cost documentation prior to payment of
response costs.

If you have any questions concerning this matter, please do
not hesitate to contact me. I look forward to seeing you on June
13, 1990 at our 1:30 p.m. meeting.

Sincerely,

Suzanne J. Bohan
Assistant Regional Counsel

cc: Scott Brown, 8MO
     Michael Goodstein, DOJ